REMARKS

The Applicant would like to thank the Examiner and the Examiner's Supervisor for the courtesy provided in the telephonic interview of July 19, 2006 and a subsequent telephone conversation on July 26, 2006. As discussed in these conversations the Examiner agreed that the proposed amendments of independent claims 1, 8, 13, 15 and 18 overcome the rejections in view of Gardner and Kohler when taken alone or in combination. Accordingly, reconsideration and allowance of the claims are respectfully solicited.

Claims 1-20 are pending in this application with claims 1, 8, 13, 15 and 18 being amended by this response.

Claims 1, 8, 13, 15 and 18 have been amended by clarity. Support for this amendment is provided throughout the specification and specifically on Page 10, lines 5-15 and Table 1. Thus, it is respectfully submitted that no new matter has been added to the claims.

Rejection of Claims 1, 5-9. 11, 12 and 18-20 under 35 USC § 102(e)

Claims 1, 5-9, 11, 12 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gardner (US Patent No. 6,891,478).

The present claimed invention recites a method and apparatus for distributing an operating supply to a plurality of appliances. Each appliance is provided with a predetermined priority determined with respect to each of the plurality of appliances independent of amount of supply required to operate each of the plurality of appliances. A plurality of sensors is provided. Each sensor is connected to a respective one of the plurality of appliances for sensing an operating state of the respective appliance. The apparatus includes means for selectively connecting the plurality of appliances in order based upon the predetermined priority of each appliance. The apparatus distributes an operating supply to one of the plurality of appliances determined to be in an ON state and having a higher priority than any other of the plurality of appliances. Independent claims 1, 8 and 18 include features similar to those discussed above.

The present invention provides a method for the use of multiple appliances when only a limited amount of power is available. When a limited amount of power is available it is desirable to keep power consumption to a minimum. Thus, the present claimed invention limits the simultaneous use of appliances to a predetermined number. In determining which appliances to send power to, it is understood that certain appliances are more important than others. Therefore, each appliance is assigned a priority independent of the power required to operate each appliance. However, sending power to appliances not requesting power would cause a loss of power during transport. Thus, each appliance is monitored to determine if the appliance is currently requesting power. Consequently, power is supplied only to a predetermined number of power requesting appliances with a highest priority.

Gardner describes a method wherein, when a limited amount of power is available, a maximum number of appliances can be used. To this effect, Gardner describes constantly monitoring the available power and comparing the available power to the power required for operation of a specific appliance. If there is enough power available, then the appliance is supplied power (Col. 3, lines 1-11). For each new appliance determination, the available power from the generator and the power being used by the power approved appliances are taken into account. This process is repeated until a maximum percentage of the available power is used (Col. 4, line 65 – Col. 5, line 24). Additionally, Gardner is concerned with overloads due to simultaneous power requests from approved appliances. To this effect Gardner delays the transfer of power to appliances based on priorities.

The Office Action asserts that Gardner disclose the features of the present claimed invention. However, Gardner is fundamentally different than the present claimed invention, operating under an opposite premise from that of the present claimed invention. When there is a limited amount of power available, Gardner is concerned with using a **maximum** number of appliances and preventing application of power to appliances based upon individual power ratings, while the present claimed

invention is concerned with using a **minimum** number of appliances and ensuring power is available to appliances according to a predetermined priority.

Specifically, Gardner describes that "once power is returned to the appliance, the system maintains power to the appliance as long as it is running and applying an electric load" (Col. 14, lines 60-62). "The logic behind the condition of maintaining power to a running appliance is that...it cannot...apply its electric load a second time...The system therefore **does not interrupt power** to an operating appliance that is applying its highest continuous load" (Col. 15, lines 1-9). This is fundamentally opposite than what is described in the present claimed invention, as the present claimed invention **demands that power be interrupted** regardless of the load level if it isn't of the highest priority.

Additionally, the present claimed invention powers appliances based on their operating state. In deciding to power a new appliance, Gardner is concerned with the power consumed by the powered appliances. However, Gardner does not base his decision on the operating state of the considered appliance. In fact, Gardner is not concerned with the operating state of any of the appliances. The Examiner asserts that Gardner can send power to a powered "off" appliance and it will merely be returned and eventually sent to a powered "on" appliance through a method of trial and error. However, as discussed above, power is lost during each extra transmission. This is contrary to the objective of the present claimed invention, to minimize power consumption. Thus, this trial and error process is contrary to the objectives of the present claimed invention. Therefore, it is respectfully submitted that Gardner neither discloses nor suggests "means for selectively connecting the plurality of appliances together and to the operating supply **based upon** the predetermined priority and **operating state of each appliance**" as recited in claims 1,8 and 18 of the present invention.

Furthermore, the present claimed invention provides power to appliances **based** on their predetermined priority. The predetermined priority limits the simultaneous use of appliances to a predetermined number by sending power to more important

appliances. Therefore, each appliance is assigned **a priority independent of the power required to operate each appliance**. Gardner is concerned with overloads due to simultaneous power requests. Thus, Gardner groups appliances with different priority based on the levels of power required to operate the appliances (see lines 4-9 of column 7). This is fundamentally different from the presented claimed invention which gives the priority to receive power to more important appliances regardless the amount of power required to operate the appliances. While the Examiner further contends that Fig. 4 shows that each load has its own set priority level, nowhere in Garner teaches or suggests "means for selectively connecting the plurality of appliances together and to the operating supply **based upon the predetermined priority** and operating state **of each appliance**" as in the present claimed invention. Gardner aims to prevent overloads due to simultaneous power requests. Accordingly, **after** deciding which appliances to dispense power to, Gardner dispenses power to the appliances sequentially with a delay of time in response to their priorities. Thus, while the present claimed invention **decides if** appliances should be dispensed power based on their predetermined priorities, Gardner **decides when** appliances should be dispensed power based on their predetermined priorities. Therefore, Gardner neither discloses nor suggests "means for selectively connecting the plurality of appliances together and to the operating supply **based upon the predetermined priority** and operating state **of each appliance**" as recited in claims 1,8 and 18 of the present invention.

Moreover, Gardner is concerned with systems whose available power has been reduced. Thus, Gardner seeks to maximize the use of the available power for multiple appliances until all the appliances can be re-powered. To that effect, Gardner constantly measures the available power and compares it to the power requirements of each appliance, directing power to appliances whose requirements for power are within the available power limits. In contrast, the present claimed invention is concerned with totally different systems. The present claimed invention is concerned with systems which can not handle the transmission of large loads of power because of restraints. The present claimed invention allows for the expansion of those systems without increasing the power requirements of the system. To further this objective, the appliances are given priorities and operate based on their priority and operating state.

Thereby, only predetermined appliances or groups of appliances are operative based on both priority and operating state. While Gardner is concerned with power restraints, the present claimed invention is concerned with the system's restraints. Thus, while Gardner is concerned with sending the largest load of power available across the system to multiple appliances, the present claimed invention understands the restraints of the available system and sends a load of power only to the highest priority appliance having an ON operating state. Thus, it is respectfully submitted that Gardner is concerned with wholly different systems than the present claimed invention.

Additionally, the present claimed invention is constrained by the system's load restrictions rather than power restrictions. Therefore, the present claimed invention is not at all concerned with the available power. Rather, the present claimed invention is concerned with sending a minimum load across the system. Thus, the present claimed invention has no need to monitor the available power. Thus, it is respectfully submitted that Gardner is concerned with totally different restrictions than the present claimed invention and thus, use totally different power dispensation criteria than the present claimed invention. Therefore, it is respectfully submitted that Gardner neither discloses nor suggests "means for selectively connecting the plurality of appliances together and to the operating supply based upon the predetermined priority and operating state of each appliance" as recited in claims 1,8 and 18 of the present invention.

In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 enabling disclosure in Gardner which would anticipate the present claimed invention. Thus, it is further respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claims 2-4, 10 and 13-17 under 35 USC § 103(a)

Claims 2-4, 10 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner in view of Kohler (U.S. Patent No. 5,986,353).

Kohler describes an arrangement for the exclusive connection of electrical loads. The system of Kohler provides for plural electrical loads connected to a common power line and each individually energized by a separate user actuated line switch between the load and the line. This system allows for only one motor to be switched ON at a time or should one motor be given priority status, all other motors will be switched OFF when the priority motor is switched ON. However, Kohler does not disclose the principles of the present claimed invention.

Specifically, the present claimed invention describes a system in which each appliance has a predetermined priority. The predetermined priorities allow the present claimed invention to control the flow of power to appliances more efficiently using a truth table. In contrast, Kohler describes assigning priorities based on which button is pressed first. Thus, Kohler neither disclose nor suggest "predetermined priorities" as recited in claims 1, 8 and 18 of the present claimed invention. Moreover, Kohler does not account for outcomes in the event that switches are activated simultaneously. When two buttons are pressed simultaneously it is not possible to ascertain which appliance should receive power. Thus, without predetermined priorities the unpredictable system of Kohler can not utilize a truth table to control the flow of power to appliances, as the outcomes of simultaneous activations are unknown. Thus, Kohler is fundamentally different from the present claimed invention, as the present claimed invention supplies power with **certainty based on a truth table** and Kohler supplies power **unpredictably based on activation timing**. Additionally, Kohler, similarly to Gardner, neither discloses nor suggests neither discloses nor suggests "means for selectively connecting the plurality of appliances together and to the operating supply based upon the predetermined priority and operating state of each appliance" as recited in claims 1, 8 and 18 of the present invention.

The Office Action asserts that it would have been obvious to combine the systems of Gardner and Kohler. However, Kohler is concerned with reducing the

chances of overload by **minimizing** the number of appliances connected to the power source (one appliance). This is wholly unlike Gardner, who seeks to **maximize** the number of appliances connected to the power source. Thus, it is respectfully submitted that it would not have been obvious to combine the systems of Gardner and Kohler.

However, even if one were to combine the systems of Gardener and Kohler, the combined system, similar to the individual systems of Gardner and Kohler, would neither disclose nor suggests "means for selectively connecting the plurality of appliances together and to the operating supply based upon the predetermined priority and operating state of each appliance" as recited in claims 1,8 and 18 of the present invention.

In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 enabling disclosure in Gardner or Kohler, when taken alone or in combination, which would make the present claimed invention unpatentable. Thus, it is further respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 50-2828.

Respectfully submitted,
Bruce Merdjan

By: _____
Jack Schwartz
Reg. No. 34,721

Jack Schwartz & Associates
1350 Broadway
Suite 1510
New York, NY 10018
Tel. No.: (212) 971-0416
Fax No.: (212) 971-0417
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Jack Schwartz
Reg. No. 34,721